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QUALIFIED SOVEREIGNTY

By DARWIN P. KINGSLEY,
President N. Y. Life Insurance Company.

President Kingsley believes that the world's present "sinister condition springs out of the demands of sovereignty, which is at once the controlling fact and the controlling fault in civilization." He holds that the removal of that fault is the chief duty at the Paris Conference. The remedy is not to be found, in his opinion, either in a League of Nations or in a Confederation of Nations, but in a Federation of Nations in which there is adjustment of sovereignty just as there is under the Constitution of the United States. He sets the *London Spectator* right on a detail of American history. We quote from a recent statement by him in the *New York Times*. He said:

Observe the first paragraph in the *Spectator's* proposed Constitution:

1. Only sovereign States are entitled to be members of the league, and each member retains its sovereignty, freedom, and independence.

That is the essence of our old Articles of Confederation, and the chief cause of the Confederation's failure.

Observe now the opening words in the Preamble of our Federal Constitution:

"We, the people."

Here you have two great systems under which States may unite: the first is Confederation, the second, is Federation. It has been our high privilege to test both.

In the first system the units are States, under the *Spectator's* plan sovereign States, as the thirteen States claimed to be under our Confederation;

In the second the units are individuals on whom the Government acts directly;

In the first no effective court for the adjudication of non-justiciable questions is possible;

In the second effective courts are at once created and non-justiciable questions disappear;

From a government formed under the first a participating State may retire;

From a government formed under the second no State may retire except by successful rebellion;

Government under the first can have no real power of taxation;

Government under the second must have full power of taxation;

All governments formed under the first have been impotent and ephemeral;

This Government, founded under the second, is 129 years old and never so strong as now.

To ask free men who know history, when faced with problems singularly like the problems our fathers faced in 1788 and 1789, to adopt as the basis of world sanity and peace the principles of the Confederation rather than the principles of our Constitution, is almost as grotesque and reactionary as it would be to ask us now to tear up the Federal Constitution itself.

Government under the Articles of Confederation—which was a true League of Nations—gives us a perfect historic background; here were thirteen States more or less armed, eying each other sharply, with their gun-hands free. Each State claimed to be sovereign, each levied tariffs, each robbed his neighbors as it could, each cordially hated all the others, and did just what a sovereign State might be expected to do as a member of a confederation. Under those conditions as soon as the unifying pressure of war was removed Government became a travesty and narrowly escaped being a tragedy.

These same States, when they ceased to be a league, when they became a federation, give us another historic background and a startling contrast. Government at once became effective; questions of "honor" disappeared; national credit was established, and inside of two years the thirteen original Commonwealths began that expansion which has since added thirty-five stars to the original flag.

Here you have the problem and its solution. Here you have the necessary fundamental change. Here you have the fundamental fault corrected. The people everywhere demand a program which will banish such wars as this.

Federation Not Confederation

By Prof. H. M. KALLEN

In his book "The Structure of Lasting Peace" (see Book Reviews, p. 31, Ed.), Professor Kallen has a chapter on the "Federalization of States," in which he shows that he has read the history of the United States to some purpose. Concerning the Articles of Confederation and the Constitution which came after it, he says:

"The Confederation was a thing made by statesmen and diplomats. Reputable though they were, their mere authority could not win for it the allegiance of the masses, and without that it could have no force. Had the masses been instructed by discussion and analysis and had public opinion been awakened to re-enforce the obviously wise program, the history of these United States would have been otherwise written.

"Because public opinion had not been roused, the removal of enemy pressure was followed by a reversion to pre-war conditions, aggravated by the disabling consequences of the war. The separate States at once began to act upon the traditional principle that a government's safety depends upon its own strength and its neighbor's weakness. Tariff war began almost immediately. Various ententes and alliances were initiated. Massachusetts tried to detach the other New England States into a separate union. New York went to war with Vermont, which had declared its independence of New Hampshire, over the strip of Vermont settled by New Yorkers and paying taxes to New York. Maryland and Virginia organized a sort of *zollverein* which Delaware and Pennsylvania were later invited to join. It did seem as if the threatened disintegration of the Confederation were inevitable. One thing held it together and kept for Congress such authority as remained to it. This was the public domain. Prior to the confederation the various States had held or claimed enormous reaches of territory, stretching to the Mississippi or beyond. (These territories correspond to the African possessions of today's warring States). Maryland's refusal to confederate until all the holdings of the States should be surrendered to the common authority compelled the pooling of these lands, and the lands pooled thereupon became the national domain. The domain constituted a tangible obvious interstate interest and was in effect the cornerstone of the Union. At the same time the best minds in all of the States—not those in Congress, but those that had the respect of the masses—were agitated by the difficulties of the situation. The problems that needed adjustment were precisely those that so largely need adjustment today, the problems of international commerce and finance, of the common highways of trade, of tariffs, of undeveloped territory. Their solution, it was recognized, required an *effective* easement upon the exclusive sovereignty of each State. The initiation of the Maryland-Virginia *zollverein* was an attempt at such an easement with respect to a vital matter, analogous in contemporary Europe to the internationalization of the Danube. The movement to include all the States on an extension of this arrangement led to the Constitutional Convention, an "assembly of demigods" that owed its existence as much to the self-sacrifice and initiative of the non-administrative leaders of political thought in the country as to the action of the State legislatures. These leaders created the Constitution and with it the United States of America. Now there are many strictures to be made upon the Constitution. It is undoubtedly the instrument of the conservers of the powers and privileges of property that Charles Beard says it is. And it is deserving of all the other objections that have been leveled at it. Nevertheless, it has designated for the States that have put themselves under its rule the structure of lasting peace."